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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,013	02/10/2006	Om Prakash Gangwal	NL030979	2298
65913	7550	09/15/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER TREAT, WILLIAM M	
			ART UNIT 2181	PAPER NUMBER
			NOTIFICATION DATE 09/15/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/568,013	Applicant(s) GANGWAL ET AL.
Examiner William M. Treat	Art Unit 2181

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/William M. Treat/
Primary Examiner, Art Unit 2181

Continuation of 11, does NOT place the application in condition for allowance because: of the reasons set forth in the examiner's previous actions. The examiner has pointed out that in, for example, claim 4 the language says part of the "received" instruction may be selectively passed by the multiplexer. The only antecedent basis for the "received" instruction is found in claim 1. As pointed out by the examiner, there seems to be no support in applicants' original specification and drawings for a multiplexer which can pass "received" instruction data. Applicants argue: that the Examiner appears to improperly interpret limitations directed to "receiving" to be limited to "receiving on a specific input of the multiplexor that excludes the control input." This ignores the problem that there seems to be no support in applicants' original specification and disclosure for a multiplexer which passes "received" instruction data as recited in claim 4. It does nothing to resolve the examiner's point that applicants seem to have used applicants' claim language to define the term, "received" to mean both receive at the control inputs of the multiplexer and receive at the data inputs of the multiplexer. The first definition is supported by applicants' specification and drawings while the second is not. Applicants argue the language of their specification (in the paragraph beginning at the bottom of page 5 and continuing onto page 6) does support the passing of instruction data "received" by the multiplexer, apparently, based on the fact their specification says that the ALU can generate different addresses and then a store instruction can cause those addresses to be passed through the index multiplexer. This does not say the addresses are part of the "received" store instruction. Applicants then argue the MPEP requires the examiner to examine the claims in relation to the prior art. Were the claims enabled and were the claims clear, this would normally be true. However, in applicants' case, their claims do not appear to be enabled as written nor are they clear. Applicants, who are very familiar with their invention, may have assumed what they intended was clear. However, the examiner has pointed out, repeatedly, the problems with the claim language. When a given set of applicants does not choose to clear up deficiencies in the language of the claims and merely argues, the examiner is forced to conclude applicants are seeking to claim an invention which is not enabled and have reasons to seek to maintain ambiguity in their claim language.